

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

PERSONALIZED MEDIA
COMMUNICATIONS, LLC

Plaintiff,

v.

APPLE INC.,

Defendants.

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Case No. 2:15-cv-01366-JRG-RSP
(Lead Case)

ORDER

Before the Court is the Report and Recommendation of Magistrate Judge Roy S. Payne (Dkt. No. 209) recommending that Apple Inc.'s Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim (Dkt. Nos. 14, 34) be denied because the asserted patents are directed to patent-eligible subject matter under 35 U.S.C. § 101. Finding no objections, and reviewing the record *de novo*, the Court finds that the Magistrate Judge's Report and Recommendation should be ADOPTED. Accordingly, Defendant's Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim (Dkt. Nos. 14, 34) is DENIED.

So Ordered this

Sep 28, 2016



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE